

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
APOLLO HEALTHCARE CORP. d/b/a
APOLLO HEALTH AND BEAUTY CARE,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/28/24

Plaintiff,

22 Civ. 7719 (LLS)

IN LIMINE ORDER

- against -

SOL DE JANEIRO USA INC. and
SOL DE JANEIRO IP, INC.,

Defendants.

- - - - - X

The parties' Motions in Limine are resolved as follows:

Apollo's Motions in Limine:

- John Plumpe (Dkt. No. 129): Mr. Plumpe's testimony and report related to reasonable royalties are excluded, as that claim has been dismissed. Apollo's motion to exclude the rest of Mr. Plumpe's testimony and report concerning sales and profits is denied, with leave to renew at trial.
- Dr. David Neal (Dkt. No. 134): Apollo's motion to exclude Dr. Neal's testimony and report is denied, with leave to renew at trial.
- Dr. Thomai Serdari (Dkt. Nos. 155, 159): Dr. Serdari's testimony and report related to prospective corrective advertising are excluded, as that claim has been dismissed. The motion to strike is denied.

SDJ's Motions in Limine:

- Nikola Cline (Dkt. No. 178): SDJ's motion to exclude Ms. Cline's testimony is granted to the extent her testimony is taken as that of a lay witness. Fed. R. Evid. Rule 701.
- Thomas J. Gorowsky (Dkt. No. 178): SDJ's motion to exclude Mr. Gorowsky's testimony is denied, with leave to renew at trial.
- Brian Buss (Dkt. No. 178): SDJ's motion to exclude Mr. Buss's testimony is granted with respect to statements and opinions related to prospective corrective advertising, as well as those outside his areas of expertise (financial analysis, intellectual property valuation, and economic damages). As to matters within those areas, the motion is denied, with leave to renew at trial.
- Dr. E. Deborah Jay (Dkt. No. 178): SDJ's motion to exclude Dr. Jay's testimony is denied, with leave to renew at trial.
- Dr. Itamar Simonson (Dkt. No. 178): SDJ's motion to exclude Dr. Simonson's testimony is denied, with leave to renew at trial.

Dated: New York, New York
October 28 2024

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.